

## Message Text

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PAGE 01 STATE 151349  
ORIGIN NEA-11

INFO OCT-01 ISO-00 CIAE-00 INR-10 NSAE-00 PM-05 L-03  
CPR-02 /032 R

DRAFTED BY NEA/ARP:J J ZIOLKOWSKI:LB  
APPROVED BY NEA/ARP:J W TWINAM  
DOD/OASD/ISA:T O WILLIAMS  
PM/ISO:R BURKE  
L/AF:C C CANNADY

-----066921 151254Z /41

R 142153Z JUN 78  
FM SECSTATE WASHDC  
TO AMEMBASSY KUWAIT  
INFO CNO WASHDC  
COMSC WASHDC  
CINCUSNAVEUR LONDON UK  
COMIDEASTFOR

UNCLAS STATE 151349

E.O. 11652: N/A

TAGS: MILI, OCLR, KU

SUBJECT: FLYING OF KUWAIT FLAG BY USNS SHIPS

REFERENCES: (A) USNS SEALIFT ARABIAN SEA 030031Z APR 78  
NOTAL, (B) COMSC WASHINGTON DC 042155Z APR 78 NOTAL, (C)  
USNS SEALIFT ARABIAN SEA 052331Z APR 78 NOTAL, (D) COMSC  
142158Z APR 78 NOTAL, (E) STATE 106685 NOTAL, (F) KUWAIT  
2285, (G) COMSC 202138Z APR 78, (H) KUWAIT 3918

1. WE REPEATING TO YOU REFS A THROUGH C INVOLVING INCIDENT  
IN WHICH GOK REQUIRED U.S. NAVAL SHIP (USNS) FLY KUWAITI  
FLAG AT YARDARM.

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2. REF D IS FOLLOW-UP TO THESE THREE MESSAGES EMPHASIZING  
MSC OPERATING PROCEDURE ON DISPLAY OF FLAGS, INCLUDING  
REFERENCE TO EXISTING KUWAIT-USG PRACTICE ON U.S. SHIPS  
VISITING KUWAIT. PURSUANT TO CURRENT MSC OPERATING PRO-  
CEDURES, USNS SHIPS ARE DIRECTED TO DISPLAY BOTH U.S. AND  
KUWAIT FLAGS ON THE QUARTERDECK, BUT FLY ONLY U.S. FLAG  
FROM HALYARD AT YARDARM. THIS PROCEDURE DESCRIBED IN REF H

HAS BEEN USED -- AS FAR AS WE ARE AWARE -- WITH USS SEMMES  
IN MARCH 1976, USNS SEALIFT INDIAN OCEAN IN APRIL 1977,  
AND WITH OTHER U.S. SHIPS UP TO PRESENT INSTANCE.

3. GOK INSISTENCE ON THE FLYING OF FOREIGN FLAG AT YARDARM  
BY USNS ARABIAN SEA WOULD BE IN DEROGATION OF U.S. SOVER-  
EIGN IMMUNITY, TO WHICH ALL USNS SHIPS AND OTHER GOVERNMENT  
OWNED OR OPERATED VESSELS ON NON-COMMERCIAL SERVICE  
ENTITLED, WHEN IN A FOREIGN PORT OR PASSING THROUGH FOREIGN  
TERRITORIAL SEA.

4. IT IS POSSIBLE THAT GOK RELATING FLAG ISSUE TO THAT  
OF DISCHARGE CERTIFICATES OR TO EXTRAORDINARY PORT CHARGES.  
WE MUST AVOID ANY LINKAGE. IT IS ALSO POSSIBLE THAT THIS  
ISOLATED INSTANCE RESULTING FROM KUWAITI PORT OFFICER  
UNFAMILIARY WITH CURRENT PRACTICE WHICH RESULTED FROM  
ORAL UNDERSTANDING.

5. IN RESPONSE TO REF F AND IN AMPLIFICATION REF G,  
CONSENSUS HERE IS THAT THERE IS NO QUOTE WRITTEN AGREEMENT  
END QUOTE, BUT RATHER, AS INDICATED IN REF H, AN ORAL  
UNDERSTANDING WAS DEVELOPED BETWEEN U.S. AND KUWAITI  
AUTHORITIES. ORAL UNDERSTANDING IS ALSO BASIS FOR CURRENT  
PROCEDURES DISCUSSED IN REF H AND ON WHICH TANKER OPERATING  
INSTRUCTIONS BASED.

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6. DRAWING ON REF E AND H, EMBASSY IS REQUESTED TO RAISE  
MATTER WITH APPROPRIATE FOREIGN MINISTRY LEVEL AND INDICATE  
USG CONCERN. PLEASE DETERMINE WHETHER FLAG ISSUE BASED ON  
EITHER GOK LAW OR POLICY OR WHETHER, PERHAPS, THIS WAS  
DECISION OF INDIVIDUAL GOK OFFICIAL, AND ADVISE.  
CHRISTOPHER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** SHIPS, RULES, NAVAL FORCES, STATE SYMBOLS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 14 jun 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE151349  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** J J ZIOLKOWSKI:LB  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780250-0434  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780659/aaaabyra.tel  
**Line Count:** 100  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 2076e888-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN NEA  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 14 jun 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2348702  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** FLYING OF KUWAIT FLAG BY USNS SHIPS  
**TAGS:** MILI, OCLR, KU  
**To:** KUWAIT  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/2076e888-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014